UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

DAVID G. TAYLOR.

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C06-5257FDB

ORDER FOR SERVICE AND RETURN, § 2254 PETITION

This 28 U.S.C. § 2254 petition for habeas corpus relief has been re-referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. A Report and Recommendation to dismiss the petition was rejected after petitioner amended the petition to name a proper respondent. The court has allowed amendment and the named respondent in this petition is Doug Waddington.

(1) The clerk shall arrange for service by certified mail upon respondent, a copy of the petition, of all documents in support thereof, (Dkt. # 1). and of this Order. All costs of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to effect service. The Clerk shall send petitioner a copy of this Order, and the General Order. The clerk will also send a courtesy copy of the petition to the Washington State Attorney General's Office Criminal Justice Division.

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answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of such answer, respondents should state whether petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause as to why an answer is inadequate. Respondent shall file the answer with the Clerk of Court and serve a copy of the answer upon petitioner.

(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and respondent may file and serve a reply brief not later than on the Thursday immediately preceding the Friday designated for consideration of the matter.

DATED this 13th day of October, 2006.

/S/ J. Kelley Arnold

J. Kelley Arnold United States Magistrate Judge